



CASE 4-30724

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1614

KRIWET ET AL.

Examiner: Vickie Kim

APPLICATION NO: 09/871,367

FILED: MAY 31, 2001

FOR: TOPICAL COMPOSITIONS COMPRISING ASCOMYCINS

Assistant Commissioner for Patents
Washington, D.C. 20231RESPONSE TO RESTRICTION REQUIREMENT

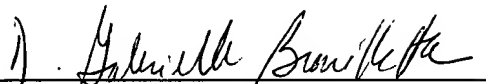
Sir:

This Election is submitted in response to the Restriction Requirement mailed on February 26, 2003. The Requirement provided a one month shortened statutory period in which to respond. Submitted herewith is a Petition for One Month Extension of Time, extending the time for filing a response to April 26, 2003.

Applicants hereby elect the Invention of Group II, claims 15, 17, 19, 22, 24, 26, 28, 30 and 32 and the species of claim 41 without traverse. Please note, however, that while election is made without traverse, applicants kindly request reconsideration of the restriction of claim 34 which is directed to a method of enhancing penetration via administration of a composition of claim 15. It appears that claim 34 can be appropriately included in Group II and prosecuted accordingly, as was done in the parent application.

Respectfully submitted,

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Date: March 28, 2003